

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/517,491
Applicant : Wittich KAULE
Filed : August 17, 2005
TC/A.U. : 2872
Examiner : Arnel C. LAVARIAS

Docket No. : 2732-149
Customer No. : 06449
Confirmation No. : 5564

REQUEST FOR REFUND

Director of the United States Patent
and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Request is hereby made for a refund in the amount of One Hundred Thirty Dollars.


An Amendment was filed on February 12, 2010 in the above application. The United States Patent and Trademark Office is advised of the fact that the initial due date for response was February 10, 2010. The Patent Office was closed Monday, February 8, 2010 through Thursday, February 11, 2010. Please see the attached Notice from the U.S. Patent and Trademark Office which states, "Any action or fee due from Monday, February 8, 2010, through Thursday, February 11, 2010 (or the preceding Saturday (February 6, 2010) or Sunday (February 7, 2010)) will be considered as timely... if the action is taken, or the fee is paid, on the next succeeding business on which the USPTO is open, that is Friday, February 12, 2010." Therefore our response was timely filed and Applicant should not have been charged for the Extension of Time fee.

The applicant herein is entitled to a refund in the amount of One Hundred Thirty Dollars (\$130) for the one-month government fee charged to our deposit account.

It is respectfully requested that the refund be credited to the undersigned's Deposit

Account No. 02-2135.

Respectfully submitted,

By 
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2010

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Closing of the United States Patent and Trademark Office from Monday, February 8, 2010, through Thursday, February 11, 2010

Closing of the
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In view of the official closing of the Federal Government offices in the Washington, D.C. metropolitan area, including the United States Patent and Trademark Office (USPTO), from Monday, February 8, 2010, through Thursday, February 11, 2010, the USPTO will consider each day from Monday, February 8, 2010, through Thursday, February 11, 2010, to be a "Federal holiday within the District of Columbia" under 35 U.S.C. § 21(b) and 37 C.F.R. §§ 1.6, 1.7, 1.9, 2.2(d), 2.195 and 2.196. Any action or fee due from Monday, February 8, 2010, through Thursday, February 11, 2010 (or the preceding Saturday (February 6, 2010) or Sunday (February 7, 2010)) will be considered as timely for the purposes of, e.g., 15 U.S.C. §§ 1051(b), 1058, 1059, 1062(b), 1063, 1064, 1126(d), or 35 U.S.C. §§ 119, 120, 133 and 151, if the action is taken, or the fee is paid, on the next succeeding business day on which the USPTO is open, that is, Friday, February 12, 2010. 37 C.F.R. §§ 1.7(a) and 2.196.

37 C.F.R. §§ 1.6(a)(2), 2.195(a)(4) and 2.198 provide that correspondence deposited in the Express Mail Service of the United States Postal Service (USPS) in accordance with 37 C.F.R. §§ 1.10 or 2.198 will be considered filed on the date of deposit (as shown by the "date-in" on the Express Mail mailing label) with the USPS. Thus, any paper or fee properly deposited in the Express Mail Service of the USPS from Monday, February 8, 2010, through Thursday, February 11, 2010, in accordance with 37 C.F.R. §§ 1.10 or 2.198 will be considered filed on its respective date of deposit in the Express Mail Service of the USPS (as shown by a "date-in" of February 8, 2010, February 9, 2010, February 10, 2010, or February 11, 2010, on the Express Mail mailing label).

37 C.F.R. § 1.6(a)(4) and 37 C.F.R. § 2.195(a)(2) provide that patent and trademark related correspondence transmitted electronically to the USPTO will be considered filed in the USPTO on the date the USPTO received the electronic transmission. Thus, any patent and/or trademark-related correspondence transmitted electronically to the USPTO will be considered filed in the USPTO on the date the USPTO received the complete electronic transmission, even if the USPTO is closed on that day. Correspondence successfully received by the USPTO through the patent Electronic Filing System (EFS-Web) will receive the date as indicated on the Acknowledgement Receipt. Trademark Electronic Application System (TEAS) filings will receive the date indicated in the e-mail confirmation sent at the time of a successful filing.

February 17, 2010

DAVID J. KAPPOS
Under Secretary of Commerce for
Intellectual Property and Director of the
United States Patent and Trademark Office